

ORDINANCE NO. 09-69

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW 126 PARKING SPACES, WHERE AT LEAST 137 ARE REQUIRED CONTRA TO HIALEAH CODE §98-2189(9), ON PROPERTY ZONED M-1 (INDUSTRIAL DISTRICT). **PROPERTY LOCATED AT 590-600 WEST 20 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of August 12, 2009, recommended approval of this ordinance; and

WHEREAS, a K-8 charter school in operation on the Property has completed its first year with a class size of 598 students and the variance is requested solely to accommodate eight additional classrooms to be built in the existing second floor shell space to expand enrollment to a maximum capacity of 800 students as allowed by the Charter granted by the School Board of Miami-Dade County;

WHEREAS, in order to provide for the continued safe and orderly flow of pedestrian and vehicular traffic in to and out of the school during the hours of admission to and dismissal from class, and prevent and avoid unreasonable disruption of the rightful vehicular and pedestrian utilization of the public streets, sidewalks and rights of way by owners, tenants, invitees and/or customers associated with parcels contiguous to the school, Petitioner proffers to (1) adopt and implement the arrival and dismissal procedures incorporated herein by reference, in similar or substantial form, and (2) to employ at least four persons specifically to ensure compliance with the arrival and dismissal procedures, oversee the safe and orderly pick-up and drop-off of students by parents from the specifically designated areas in the traffic flow diagram incorporated herein by reference, and otherwise control vehicular and pedestrian traffic at the hours of admission to and dismissal from class, to which the City accepts;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow 126 parking spaces, where at least 137 are required, contra to Hialeah Code §98-2189(9), which provides in pertinent part: “One parking space for each 200 square feet of gross floor area of the floor with the greatest area and one parking space for each 400 square feet of all other floors.”, on property zoned M-1 (Industrial District). The property is located at 590-600 West 20 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

THE WEST 100 FEET OF LOT 6 AND ALL OF LOT 7,
IN BLOCK 1, OF BING’S RED ROAD TERMINALS,
ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 65, AT PAGE 13, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.

Section 2: **Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: **Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

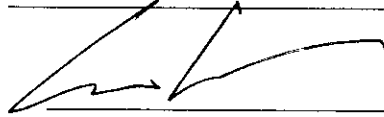
Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 8th day of September, 2009.



Carlos Hernandez
Council President

Attest: Approved on this ____ day of _____, 2009.

Rafael E. Granado, City Clerk

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

V E T O E D

Mayor Julio Robaina

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Hernandez, Yedra voting "Yes" and Councilmember Gonzalez absent.